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Next 13 Page(s) In Document Denied

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H 4320

CONGRESSIONAL RECORD — HOUSE

June 9, 1987

It has been a special privilege for me to have the opportunity to serve this year as the ranking member on the Subcommittee on Program and Budget and to work with Mr. STOKES who serves in a dual capacity not only as chairman of the subcommittee but also chairman of the full committee.

Mr. Chairman, I want to strongly urge my colleagues to approve the legislation and to join with both the chairman and the ranking member of the full committee and thanking the staff for what I think has been an excellent job.

Mr. HYDE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STOKES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered as having been read.

The Clerk will designate section 1.

Mr. STOKES. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill is as follows:

H.R. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1988".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1988 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. (a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1988, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 2112 of the One Hundredth Congress. That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(b)(1) In computing the number of non-headquarters personnel required to be reduced under subsection (b)(2)(A) of section 601 of Public Law 99-433 (100 Stat. 1065), the Secretary of Defense shall exclude personnel of the Defense Intelligence Agency and the Defense Mapping Agency, and in carrying out that reduction, the Secretary shall allocate such reduction (under the authority of the Secretary under subsection (d) of that section) so that none of such reduction is applied to personnel of the Defense Intelligence Agency or the Defense Mapping Agency.

(2) For purposes of paragraph (1), the term "nonheadquarters personnel" means members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities.

PERSONNEL CEILING ADJUSTMENTS

Sec. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1988 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

Sec. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

UNAUTHORIZED APPROPRIATIONS

Sec. 105. (a) Notwithstanding section 9126 or section 9133 of the Department of Defense Appropriations Act, 1987 (as contained in section 101(c) of the joint resolution entitled "Joint resolution making continuing appropriations for fiscal year 1987, and for other purposes", Public Law 99-500 and Public Law 99-591), only funds specifically authorized by the Congress in accordance with section 502 of the National Security Act of 1947 may be obligated or expended for intelligence or intelligence-related activities.

(b) All intelligence or intelligence-related activities for which funds were appropriated in the Defense Appropriations Act, 1987 and which are listed in that part of the Schedule of Authorizations (referred to in section 101(a)) entitled "Unauthorized Appropriations, Fiscal Year 1987" shall be considered specifically authorized by Congress pursuant to section 502 of the National Security Act of 1947.

(c) Those intelligence or intelligence-related activities for which funds were appropriated in the Defense Appropriations Act, 1987 and which are listed in that part of the Schedule of Authorizations (referred to in section 101(a)) entitled "Unauthorized Appropriations for Reprogramming, Fiscal Year 1987" shall be considered specifically authorized by Congress only for the purposes of section 502(a)(3) of the National Security Act of 1947.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1988 the sum of \$24,272,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized 237 full-time personnel as of September 30, 1988. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1988, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1988, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Sec. 203. During fiscal year 1988, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1988 the sum of \$134,700,000.

TITLE IV—RETIREMENT AND DEATH IN SERVICE BENEFITS

RETIREMENT BENEFITS

Sec. 401. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end the following new section:

"RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES"

"Sec. 225. (a) Any individual who was a former spouse of a participant or a former participant on November 15, 1982, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) If married to the participant throughout the creditable service of the participant,

June 9, 1987

CONGRESSIONAL RECORD — HOUSE

H 4821

equal to 50 percent of the benefits of the participant; or

"(3) If not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse is less than 50 years of age.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service benefits are based becomes entitled to benefits under this title;

"(ii) the first day of the month in which the divorce or annulment involved becomes final; or

"(iii) such former spouse's 50th birthday; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

"(ii) the date the benefits of the participant terminate.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this title (other than a disability annuity) or the date the disability annuity begins, whichever is later; and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

"(3) Benefits under this section shall be treated the same as an annuity under section 222(a)(6) for purposes of section 221(g)(2) or any comparable provision of law.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, within 30 months after the effective date of this section. The Director may waive the 30-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.

"(B) Upon approval of an application as provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) The Director shall—

"(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

"(2) to the maximum extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or a former participant on November 15, 1982, of any rights which such individual may have under this section.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this title."

(b) Section 14(a) of the Central Intelligence Agency Act of 1949 is amended by inserting "225," after "223, 224,"

DEATH IN SERVICE BENEFITS

Sec. 402. (a) Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403(b)) note is amended—

(1) by inserting "(1)" before "If a participant";

(2) by striking all that follows "as defined in section 204," and inserting in lieu thereof "or by a former spouse qualifying for a survivor annuity under section 223(b), such widow or widower shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 223(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this Act. The annuity of such widow, widower, or former spouse shall commence on the date following death of the participant and shall terminate upon death or remarriage prior to attaining age sixty of the widow, widower, or former spouse (subject to the payment and restoration provisions of sections 221(g) and 224(b)(3))."; and

(3) by adding at the end the following new paragraph:

"(2) The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's average basic salary, or (B) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between the participant's age at the time of death and age sixty.

"(3) Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a widow or widower under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B)."

(b)(1) Section 221(o)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by inserting "232(b)," after "222, 223,"

(2) Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(A) in subsection (b) by inserting "and (3)" after "subsection (c)(2)"; and

(B) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) a new paragraph as follows:

"(3) Section 232(b)."

(3) Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by inserting "232(b)," before "234(c), 234(d)."

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on November 15, 1982, the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982.

(2) The amendment made by subsection (b)(2) shall take effect on January 1, 1987, the effective date of the Federal Employees' Retirement System Act of 1986.

(d) Nothing in this section or any amendment made by this section shall be construed to require the forfeiture by any individual of benefits received before the date of the enactment of this Act.

TITLE V—DOD INTELLIGENCE PERSONNEL IMPROVEMENTS
SEA CIVILIAN UNIFORM ALLOWANCE ADJUSTMENT

Sec. 501. (a) Chapter 83 of title 10, United States Code, is amended by inserting after section 1605 the following new section:

"§ 1604. Civilian Uniform Allowance

"Notwithstanding the provisions of subsection 5001(a) of title 5, United States Code, of funds appropriated annually for the Defense Intelligence Agency, the Secretary of Defense is authorized to pay a uniform allowance for civilian employees of the Defense Attache Offices outside the United States who are required by Agency regulations to wear a prescribed uniform in performance of official duties an amount not to exceed \$360 annually, or such amount as is provided for similar employees of the Department of State, whichever is greater."

(b) The table of contents for chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following:

"Sec. 1606. Civilian Uniform Allowance."

TERMINATION AUTHORITY—SEA CIVILIAN EMPLOYEES

Sec. 502. Paragraph 1604(e)(1) of title 10, United States Code, is amended by striking "during fiscal years 1986 and 1987," and inserting in lieu thereof "during fiscal year 1988."

PERSONNEL MANAGEMENT AUTHORITY—DOD MILITARY INTELLIGENCE PERSONNEL

Sec. 503. Paragraph 1590(e)(1) of chapter 81 of title 10, United States Code, is amended by striking "during fiscal year 1987," and inserting in lieu thereof "during fiscal year 1988."

TITLE VI—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS

COMMISSION ON INTELLIGENCE PERSONNEL SYSTEMS

Sec. 601. (a) ESTABLISHMENT; PURPOSE.—There is hereby established a commission to be known as the Commission on Intelligence Personnel Systems. The Commission shall conduct a comprehensive review and comparative analysis of all personnel management and compensation systems affecting civilian personnel of agencies and other entities of the intelligence community with a view to determining the adequacy of existing personnel systems and any changes that should be made in such systems.

(b) MEMBERS.—(1) The Commission shall consist of three members. The President, the Speaker of the House of Representatives (after consultation with the minority leader of the House), and the majority leader of the Senate (after consultation with the minority leader of the Senate) shall each appoint one member. The member appointed by the President shall be the chairman of the Commission.

(2) Members of the Commission shall be appointed from among persons outside the Government who by reason of training, background, education, and experience in intelligence matters and personnel systems are highly qualified to study the matters described in subsection (a).

(3) Members of the Commission shall be paid at the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel-time) that they are engaged in the business of the Commission.

(4) A member of the Commission shall not be considered to be a Federal employee except for purposes of—

(A) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

Page Denied

Next 15 Page(s) In Document Denied